



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Ecology AO # 10-13

Permanent Rule Only

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes

☒ No

If Yes, explain:

Purpose:

The purpose of this rulemaking is to incorporate EPA's requirements for reporting greenhouse gases into the state Air Operating Permit Regulation, Chapter 173-401 WAC. Ecology revised the definition of "major source" and added the definition of "subject to regulation." This adoption keeps several hundred small sources out of the federal permitting program.

Beginning January 1, 2011, sources with an Air Operating Permit must report their greenhouse gas emissions when revising or renewing this permit. Beginning July 1, 2011, sources that have the potential to emit 100,000 tons per year or more of greenhouse gases become subject to the Air Operating Permit Program, regardless of their emissions of other pollutants. These newly subject sources must apply for an Air Operating Permit on or before July 1, 2012.

Citation of existing rules affected by this order:

Repealed:

Amended: WAC 173-401-200

Suspended:

Statutory authority for adoption: RCW 70.94.161 and RCW 70.94.510

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 10-20-145 on October 5, 2010. (date).

Describe any changes other than editing from proposed to adopted version: None.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

This rulemaking is exempt from filing a cost benefit analysis.

Date adopted: 12/1/10

NAME (TYPE OR PRINT)

Ted Sturdevant

SIGNATURE
TITLE

Director, Department of Ecology

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 01, 2010

TIME: 9:56 AM

WSR 10-24-114

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	<u>1</u>	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>1</u>	Repealed	_____